IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(1) Crl. Revision No. 500 of 1993

Sukhwinder Singh.

..... Petitioner through Shri Salil Bali, Advocate.

Versus

State of Punjab.

..... Respondent through Shri Mehardeep Singh, Assistant Advocate General, Punjab.

(2) Crl. Revision No. 501 of 1993

Charanjit Singh.

..... Petitioner through Shri Salil Bali, Advocate.

Versus

State of Punjab.

..... Respondent through Shri Mehardeep Singh, Assistant Advocate General, Punjab.

Date of Decision: 18.7.2007

CORAM: HON'BLE MR.JUSTICE MAHESH GROVER

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1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Mahesh Grover,J.

This order will dispose of the above mentioned two criminal revision petitions as the petitioners have challenged common judgment dated 14.7.1993 of the Additional Sessions Judge, Gurdaspur vide which their appeals preferred against judgment of conviction and sentence dated 15.2.1992 passed by the Judicial Magistrate Ist Class, Pathankot were disposed of and they were sentenced in the following manner:-

Petitioner- Sukhwinder Singh

Under Section 452 of the I.P.C. - to undergo rigorous imprisonment for eight months and pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 324 of the I.P.C. - to undergo rigorous imprisonment for eight months.

Under Section 324/34 of the I.P.C.-to undergo rigorous imprisonment for eight months.

Petitioner-Charanjit Singh

Under Section 452 of the I.P.C. - to undergo rigorous imprisonment for eight months and pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 324 of the I.P.C. - to undergo rigorous imprisonment for eight months.

Under Section 324/34 of the I.P.C.-to undergo rigorous imprisonment for eight months.

The substantive sentences of imprisonment were ordered to run concurrently.

On 12.3.1989, an incident is said to have taken place wherein Shashi Bala and her son – Ram Singh suffered injuries at the hands of the petitioners. An F.I.R. was lodged on the basis of the statement of injured-Ram Singh. The complainant had narrated that his family had constructed a new house in Mirpur Colony, Model Town, Pathankot. The petitioners had been given the contract of electricity wiring and they accomplished the work. However, some money remained to be paid to the petitioners. On the fateful day, at about 7.00 P.M., the petitioners armed with knives came to the house of the complainant. They demanded their dues, but the complainant advised them to accept Rs.100/- and assured that the remaining amount will be paid after settling the accounts. Upon this, the petitioners got infuriated and caused the following injuries to the complainant and his mother:-

Complainant-Ram Singh

1. Incised wound 2 cm x 1 cm muscle deep on left scapular region on back 8 cm from mid line oozing blood. There was corresponding cut in the shirt. Advised X-ray chest.
2. Incised 2 cm x 1 cm bone deep in left side of chest below left axilla. Bleeding was present. There was corresponding cut in shirt. Advised x-ray chest.

Injured-Shashi Bala

1. Incised wound 3 cm x 1.5 cm on the front of the left chest below the middle left clavicle. Depth could not be ascertained as there was profused bleeding present. Injury kept under observation for x-ray chest and operation notes.

The police, after investigation, submitted a challan against the petitioners, who were charged for having committed offences punishable under Sections 452, 324 and 324/34 of the I.P.C.

The trial Court, after appraisal of the evidence before it, convicted and sentenced the petitioners as under:-

Petitioner- Sukhwinder Singh

Under Section 452 of the I.P.C. - to undergo rigorous imprisonment for one year and pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 324 of the I.P.C. - to undergo rigorous imprisonment for one year.

Under Section 324/34 of the I.P.C.-to undergo rigorous imprisonment for one year.

Petitioner-Charanjit Singh

Under Section 452 of the I.P.C. - to undergo rigorous imprisonment for one year and pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 324 of the I.P.C. - to undergo rigorous imprisonment for one year.

Under Section 324/34 of the I.P.C.-to undergo rigorous imprisonment for one year.

On appeals having been filed by the petitioners, their conviction has been maintained and the sentence awarded to them has been modified by the learned Additional Sessions Judge, Gurdaspur in the manner noticed hereinabove.

In the present revision petitions, learned counsel for the

petitioners contended that the petitioners have been falsely implicated and that even though, the injuries were incised, yet, the same were found to be simple and, therefore, the provisions of Section 324 of the I.P.C. were not attracted. He further contended that the incident is alleged to have taken place at 7.00 P.M. and the prosecution has failed to establish whether there was sufficient light in which the complainant had identified the assailants.

On the other hand, learned counsel for the State contended that there is not an iota of evidence which could assist the case of the petitioners. Therefore, the conviction and sentence were sought to be justified.

I have heard learned counsel for the parties and have perused the record.

In so far as the identity of the petitioners is concerned, there is no reason to disbelieve the version of the prosecution. The petitioners were apparently known to the complainant as they had carried out the work of electricity wiring in his house and had gone to demand the balance payment. In view of this, the contention of the learned counsel for the petitioner is without any substance.

The second contention of the learned counsel for the petitioners is also baseless as the injuries had been inflicted with knives or a sharp edged weapon and, therefore, the provisions of Section 324 of the I.P.C. were attracted.

As a sequel to the above, I do not find any infirmity in the impugned judgment and the revision petitions being devoid of any merit, deserve to be dismissed.

At this stage, learned counsel for the petitioners submitted that

the petitioners, at the time of occurrence which took place in the year 1989, were aged 23 and 20 years and the dispute had arisen over a trivial matter regarding the demand of outstanding dues of Rs.200/- only. He prayed that keeping in view the totality of the circumstances, a lenient view may be taken in the matter of sentence.

Having thoughtfully considered the submission of the learned counsel for the petitioners, I am of the view that in the interest of justice, the sentence awarded to the petitioners deserves to be interfered with. Admittedly, they were young men at the time of occurrence and the dispute was apparently of a trivial nature. Moreover, they have faced the agony of the criminal proceedings for the last about eighteen years. There is nothing on record which could show that they have been involved in any other incident subsequent to the occurrence in question. By now, the petitioners must be well entrenched in life.

Accordingly, the revision petitions are disposed of in the following terms:-

(1) The conviction of the petitioners shall remain intact.

(2) The sentence of imprisonment awarded to the petitioners is reduced to that of already undergone subject to the condition that a sum of Rs.30,000/- each is deposited by them before the trial Court within a period of three months from today.

(3) The amount so deposited by the petitioners shall be disbursed by the trial Court to the complainant and his mother as compensation after due enquiry and verification.

(4) If the petitioners fail to deposit the aforesaid amount within

the stipulated period, the substantive sentence as awarded to them shall stand revived and they shall be required to undergo the remaining part of the sentence after cancelling their bail bonds.

July 18,2007 **(Mahesh Grover)**
"SCM" **Judge**